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THE GAP, INC., a/k/a, GAP, INC., GAP INTERNATIONAL
7 SALES, INC., BANANA REPUBLIC, LLC, and OLD NAVY,
LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

13 | ROOTS READY MADE GARMENTS CO.
W.L.J.

No. C 07-03363 CRB

**DECLARATION OF ROSE DARLING IN
SUPPORT OF GAP'S REPLY RE
MOTION FOR PROTECTIVE ORDER**

17 THE GAP, INC., a/k/a, GAP, INC., GAP
INTERNATIONAL SALES, INC., BANANA
REPUBLIC, LLC, AND OLD NAVY, LLC

Plaintiff,

Date: October 19, 2007

Time: 10:00 a.m.

Dept: 8

Judge: Honorable Charles R. Breyer

Defendants.

1 I, ROSE DARLING, declare and say that:

2 1. I am an attorney licensed to practice law in the State of California and before this
 3 Court and am an associate at Keker & Van Nest, LLP, counsel for defendants The Gap, Inc.,
 4 a/k/a, Gap, Inc., Gap International Sales, Inc., Banana Republic, LLC, and Old Navy, LLC
 5 (collectively “Gap”).

6 2. I have knowledge of the facts set forth herein, and if called to testify as a witness
 7 thereto, could do so competently under oath.

8 3. On September 20, 2007, I participated in a Rule 26(f) phone conference with
 9 Roots’ counsel Bradley Nash. During that call, we discussed, among other things, alternate
 10 dispute resolution and a discovery plan. Mr. Nash asked whether Gap would agree to a two-
 11 week extension on the early discovery that Gap had served on August 23, 2007. I told Mr. Nash
 12 that Gap would treat its August 23 requests as having been served on September 20, 2007—the
 13 day that we were meeting and conferring as per Rule 26(f). Attached hereto as **Exhibit A** is a
 14 true and correct copy of an email from Mr. Nash to me, dated September 22, 2007, in which he
 15 confirms the parties’ understanding that Gap would treat the early discovery it served on August
 16 23, 2007 as having been served on September 20, 2007.

17 4. On October 3, 2007, Mr. Nash and I spoke again to discuss a discovery plan and
 18 the content of our joint proposed case management statement, which was due on October 9,
 19 2007. Mr. Nash proposed a September 2008 trial date and a fact discovery cut-off of late March
 20 2008. In order to assess the reasonableness of his proposal, I asked Mr. Nash if he could
 21 estimate the volume of additional discovery that Roots would produce, in addition to the
 22 documents that it had already produced in late August prior to the Paris depositions. Mr. Nash
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1 said that he was continuing to collect relevant documents, and that he expected that Roots would
2 make at least one other "substantial document production."

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct and that this declaration was executed on October 5, 2007 in San
5 Francisco, California.

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7 _____ /s/ Rose Darling
8 ROSE DARLING

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